

Gary Hoppe
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Attorneys for Defendant Michael Grisanti

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES SMALL BUSINESS	:	
ADMINISTRATION, as receiver for	:	Civil Action No. 08-CV-0978 (LTS)
COQUI CAPITAL PARTNERS, L.P.,	:	ECF Case
	:	Related Case: No. 06-1564
Plaintiff,	:	
	:	
- against -	:	DECLARATION OF GARY
	:	HOPPE
COQUI CAPITAL MANAGEMENT, LLC,	:	
	:	
Defendants.	:	
	:	
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GARY HOPPE declares the following:

1. I am a member of the bar of the State of New York and of this Court, and of the firm of Twomey, Hoppe & Gallanty LLP, counsel for defendant Michael Grisanti ("Grisanti") in the above captioned matter. I submit this declaration in support of defendant Grisanti's notice of joinder in the pending motion by the other appearing defendants herein for an order: (1) pursuant to Federal Arbitration Act, 9 U.S.C. Sec. 3, dismissing the Amended Complaint in its entirety, or, in the alternative, staying the above-captioned action pending arbitration; and (2) pursuant to Federal Arbitration Act, 9 U.S.C. Sec.4, compelling plaintiff United States Small Business Administration, as

Receiver for Coqui Capital Partners, L.P., to submit to arbitration in New York under the rules of the American Arbitration Association.

2. The Amended Complaint alleges that defendant Grisanti is a party to a subscription agreement with Coqui Capital Partners, L.P. and the Limited Partnership Agreements involved in this action, and purports to assert a claim against Grisanti for breach of those agreements (§§ 253-258).

3. For the reasons stated in the papers filed by the other appearing defendants herein in their Motion To Dismiss The Amended Complaint And Compel Arbitration, dated March 31, 2008, defendant Grisanti contends that any such claim by plaintiff under the agreements is subject to arbitration and as such this action should be dismissed and arbitration of any such dispute compelled.

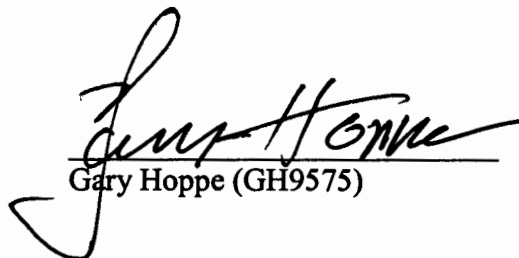
4. On April 23, 2008, I contacted Arlene Embrey, lead counsel for plaintiff, and engaged in a good faith discussion to resolve the issue of whether plaintiff's dispute with Grisanti should be arbitrated and this action dismissed. After discussion, we were unable to reach an agreement to resolve this matter informally. Ms. Embrey agreed that Grisanti could join in the other appearing defendants' pending motion.

5. On April 24, 2008, I contacted Donald Zakarin, lead attorney for the other appearing defendants. Mr. Zakarin has no objection to defendant Grisanti joining in his defendants' pending motion to dismiss the amended complaint and compel arbitration.

6. In view of the consent of counsel and in order to promote efficiency in the resolution of this dispute, defendant Grisanti respectfully joins in said defendants' pending motion.

7. I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Dated: New York, New York
April 25, 2008



Gary Hoppe (GH9575)